

# **UNDERAGE ALCOHOL OFFENSES AND RELATED PENALTIES (AS OF 2005 ACT 105; FEBRUARY 1, 2006)**

| <b>Conviction</b>   | <b>Fine or forfeiture<sup>5</sup></b>   | <b>Driver License Suspension or Revocation</b>   | <b>Supervised Work Program</b>                         | <b>Court Ordered Stay<sup>1</sup></b>                  | <b>Assessment<sup>4</sup></b>                                 |
|---|---|--|--|--|---|
| Absolute Sobriety "Not a Drop" Law<br>(If under age 21)<br>[346.63 (2m)]                        | \$10 <sup>3</sup><br>[346.65(2q)]   | 3 month license suspension <sup>3</sup><br>[343.30(1p)]<br>Occupational- immediately   |  |  |   |
| Underage Alcohol (Procure or Misrepresent Age) (age 17-20)<br>[125.07(4)(a)] or local ordinance | 1st: \$250-\$500<br>2nd in a year: \$300-\$500<br>3rd in a year: \$500-\$750<br>4th & subsequent in a year:<br>\$750-\$1,000<br>[125.07(4)(bs)] | 1st: 30-90 day <sup>4</sup> suspension<br>2nd: up to 1 yr. suspension <sup>2</sup><br>3rd & subsequent: up to<br>2 yr. suspension <sup>2</sup><br>[343.30(6)(b)] | Yes-Court option as an alternative<br>[125.07(4)(bs)]  | Yes-Court option as an alternative<br>[125.07(4)(e)2]  | Mandatory, if Court orders stay of sentence [125.07(4)(e)2a]  |
| Juvenile Alcohol (Procure or Misrepresent Age) (under 17)<br>[125.07(4)(a)] or local ordinance  | 1st: \$250-\$500<br>2nd in a year: \$300-\$500<br>3rd & subsequent in a year:<br>\$500<br>[938.344(2b)(a)-(c)]                                  | 1st: 30-90 day <sup>4</sup> suspension<br>2nd: up to 1 yr. suspension <sup>2</sup><br>3rd & subsequent: up to<br>2 yr. suspension <sup>2</sup><br>[343.30(6)(b)] | Yes-Court option as an alternative<br>[938.344(2b)]    | Yes-Court option as an alternative<br>[938.344(2g)(a)] | Mandatory, if Court orders stay of sentence [938.344(2g)(a)1] |
| Underage Alcohol (Possess or Consume) (age 17-20)<br>[125.07(4)(b)] or local ordinance          | 1st: \$100-\$200<br>2nd in a year: \$200-\$300<br>3rd in a year: \$300-\$500<br>4th & subsequent in a year:<br>\$500-\$1,000<br>[125.07(4)(c)]  | 1st: 30-90 day <sup>4</sup> suspension<br>2nd: up to 1 yr. suspension <sup>2</sup><br>3rd & subsequent: up to<br>2 yr. suspension <sup>2</sup><br>[343.30(6)(b)] | Yes-Court option as an alternative<br>[125.07(4)(c)]   | Yes-Court option as an alternative<br>[125.07(4)(e)2]  | Mandatory, if Court orders stay of sentence [125.07(4)(e)2a]  |
| Juvenile Alcohol (Possess or Consume) (under 17)<br>[125.07(4)(b)] or local ordinance           | 1st: Up to \$50<br>2nd in a year: Up to \$100<br>3rd & subsequent in a year:<br>up to \$500<br>[938.344(2)(a)-(c)]                              | 1st: 30-90 day <sup>4</sup> suspension<br>2nd: up to 1 yr. suspension <sup>2</sup><br>3rd & subsequent: up to<br>2 yr. suspension <sup>2</sup><br>[343.30(6)(b)] | Yes-Court option as an alternative<br>[938.344(2)]     | Yes-Court option as an alternative<br>[938.344(2g)(a)] | Mandatory, if Court orders stay of sentence [938.344(2g)(a)1] |
| Underage False ID (Use or Possess)<br>(age 17-20)<br>[125.085(3)(b)]                            | \$300-\$1250<br>[125.085 (3)(bd)]   | 30-90 days <sup>4</sup><br>[343.30(6)(bm)]   | Yes-Court option as an alternative<br>[125.085(3)(bd)] |  |   |
| Juvenile False ID (Use or Possess)<br>(under 17)<br>[125.085(3)(b)]                             | 1st: \$100-\$500<br>2nd in a year: \$300-\$500<br>3rd & subsequent in a year:<br>\$500<br>[938.344(2d)(a)-(c)]                                  | 1st: 30-90 day <sup>4</sup> suspension<br>2nd: up to 1 yr. suspension<br>3rd & subsequent: up to<br>2 yr. suspension<br>[343.30(6)(b)]                           | Yes-Court option as an alternative<br>[938.344(2d)]    | Yes-Court option as an alternative<br>[938.344(2g)(a)] | Mandatory, if Court orders stay of sentence [938.344(2g)(a)1] |
| Intoxicants In Vehicle<br>(Underage Persons)<br>[346.93]  | \$20-\$400<br>[346.93(2g)]  | 1st: 30 day - 1 yr. suspension<br>2nd: up to 1 yr. suspension <sup>2</sup><br>3rd & subsequent: up to<br>2 yr. suspension <sup>2</sup><br>[343.30(2m),(6)(b)]    |  |  |   |

<sup>1</sup>Court may stay enforcement of the sentence if the defendant agrees, and in turn, the court must condition the stay on voluntary assessment and participation in a court-approved alcohol abuse education program or enrollment in a treatment program; however, the court may not stay, suspend or modify a mandatory drivers license suspension.

<sup>2</sup>Suspension is permissible for 1st offense, but mandatory for 2nd and subsequent offenses that involve a motor vehicle.

<sup>3</sup>Forfeiture, costs and period of suspension are doubled if a passenger under 16 years of age was in the vehicle at the time of the offense. [343.30(1p), 346.65(2q)]

<sup>4</sup>If a person does not hold a valid license at the time of disposition, the suspension period begins when they first apply for a license or two years from the disposition. [343.30(6)(d)]

<sup>5</sup>Additional fees, assessment and surcharges will apply.

## **COMMENTS ON PENALTIES FOR UNDERAGE ALCOHOL OFFENSES**

Persons whose licenses are suspended or revoked for underage alcohol violations other than *Absolute Sobriety* are eligible for occupational licenses 15 days after the suspension or revocation begins. [343.10(2)(a)4] Those whose licenses are suspended for violating the *Absolute Sobriety* or "Not a Drop" law are eligible for occupational licenses immediately. [346.63(2m)]

Like persons aged 21 or older, underage persons are subject to the provisions of Wisconsin laws prohibiting operating/driving motor vehicles while intoxicated. These laws include impairment/intoxication resulting from the use of illegal, over the counter or prescription drugs or combinations of drugs or alcohol. It is illegal in Wisconsin to operate snowmobiles, all-terrain vehicles, motor boats, aircraft and other motor vehicles with a detectable presence of restricted controlled substances in the bloodstream or while under the influence of alcohol or drugs or of a combination of alcohol and drugs.

Underage Alcohol conviction records of juveniles (under age 17) are largely confidential. The Department of Transportation may not disclose information concerning a suspension, revocation or restriction as a result of a juvenile's underage alcohol conviction to any person other than a court, district attorney, municipal prosecuting attorney, law enforcement agency, the underage individual or his/her parents or legal guardian. [343.30(5), 343.24(3)]

*SOURCE: DOT-Bureau of Transportation Safety; DOT-Office of General Counsel*